

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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UNITED STATES OF AMERICA

V.

MICHAEL CROOKER

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2006 MAY -1 P 12:27

U.S. DISTRICT COURT
CR-04-30034-MAP DISTRICT OF MASS.

DEFENDANT'S THIRD PRO SE MOTION TO DISMISS
DUE TO DEPRIVATION OF SPEEDY TRIAL/PROLONGED DETENTION

Defendant has now been detained without bail for 22-months and counting for the victimless, nonviolent alleged offense of sending an air rifle silencer to another airgun enthusiast, a first-in-the-nation prosecution of such an airgun device. This violates the Sixth Amendment, the Speedy Trial Act, and 18 U.S.C. §3164.

In the more than 1/2-month since the last attempted airing of this issue, AUSA O'Regan has continued to refuse Crooker access to his own laptop so that he can begin a lengthy search for relevant files that constitute exculpatory evidence such as his e-mail correspondence with the Lee, MA Police Chief regarding the legality of an air rifle silencer prior to its purchase. No trial can take place without this step being taken and the laptop given back to Crooker.

Also no substitute laptop has been provided and over 1/2-month more has gone wasted where Crooker could have used the time to examine the more than 100,000 seized computer files which remain for him unreadable on CD-Roms made with

*DELETED without prejudice to refiling by counsel.
So ordered. Michael R. Ponsor USMT 5.2.06*

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Windows XP. This is another lengthy, time-consuming step that must be taken before a trial can take place.

Crooker estimates that he will need 100-hours of laptop access to review the 100,000-+ files, and 30 1/2-hour wiretapped telephone conversations, plus at least 10-hours to find all the files on his own laptop that demonstrate his innocence in this case.

This stuff all should have been done about a year and a half ago, not at this eleventh-hour.

Because of the deprivation of a speedy trial and the prolonged detention that has occurred, Crooker should forthwith be moved to a halfway house. Then AUSA O'Regan can take another decade if he so wishes.

Respectfully submitted,



Michael Crooker, pro se
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Suffield, CT 06080

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this date mailed copies of the foregoing to the following persons: Kevin O'Regan, AUSA, U.S. Attorneys, 1550 Main Street, Springfield, MA 01103 and Vincent Bongiorno, Attorney, 95 State Street, Suite 309, Springfield, MA 01103.

Dated: April 27, 2006

s/ 